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In re Application of:
Maasab et al.
Serial No.: 08/573,569
Filed: December 14, 1995
Attorney Docket No.: none

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on October 13, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed January 14, 2004. The delay in responding to this petition is regretted, however, this petition was only recently brought to the attention of the deciding authority.

A review of the file history shows that the examiner mailed an Office action to applicants on January 14, 2004, setting a three-month statutory time period for reply. On September 21, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on July 14, 2004, as shown by the Certificate of Mailing executed under 37 CFR §1.8 on July 14, 2004 on the transmittal Form. Applicants also submit a copy of the post card identifying the papers filed on July 14, 2004 and showing a USPTO date-stamped receipt of July 19, 2004. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. This application is restored to pending status with the mailing of this decision and will be forwarded to the examiner for consideration of the amendment.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Jasemine Chambers
Director, Technology Center 1600